paragraph (o) of this section shall be completed by July 10, 1995.

* * * * *

[FR Doc. 95–4083 Filed 2–17–95; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 254

RIN 1010–AB81

Spill-Response Plans for Offshore Facilities Including State Submerged Lands and Pipelines

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Interim final rule; delay of expiration.

SUMMARY: This document delays the expiration of the interim final rule governing spill-response plans for offshore facilities. The Federal Water Pollution Control Act as amended by the Oil Pollution Act of 1990 (OPA) requires that a spill-response plan be submitted for offshore facilities. The MMS published an interim final rule establishing requirements for spill-response plans for offshore facilities including pipelines on February 8, 1993. The rule was scheduled to expire on February 18, 1995, or when superseded by a final rule. The MMS will not have a final rule in place by February 18, 1995, and therefore will extend the termination date of the interim final rule. This rulemaking is being extended until superseded by a final rule.

EFFECTIVE DATE: The interim rule published February 8, 1993 (58 FR 7489) is extended indefinitely; it will not expire until the interim rule is superseded by a final rule.

FOR FURTHER INFORMATION CONTACT: Lawrence H. Ake, Engineering and Standards Branch, telephone (703) 787–1600.

SUPPLEMENTARY INFORMATION: On February 8, 1993, MMS published an interim final rule titled ''Spill-Response Plans for Offshore Facilities Including State Submerged Lands and Pipelines'' (58 FR 7489). The interim final rule was given an effective date of February 18, 1993, and was to expire on February 18, 1995, or when superseded by a final rule. At the time of publication of the interim final rule, it was anticipated that a final rule would be in place before February 18, 1995. A final rule on this subject will not be published before the published expiration date, yet there is still a need for a rule that conveys MMS requirements for spill-response plans for offshore facilities. The interim final rule provides necessary guidance to operators for preparing and submitting spill-response plans that are required by OPA. The MMS has determined that an immediate effective date is necessary to provide continuity in the administration, review, and approval of spill-response plans.

Author

This document was prepared by Lawrence H. Ake, Engineering and Technology Division, MMS.

Rulemaking Analyses

E.O. 12866

Non significant.

Regulatory Flexibility Act

No significant impact.

Paperwork Reduction Act

OMB clearance number 1010–0057.

Takings Implication Assessment

No interference with constitutionally protected property rights.

E.O. 12778

Meets applicable standards.

National Environmental Policy Act

The Department of the Interior has determined that this action does not constitute a major federal action affecting the quality of the human environment; therefore, preparation of an Environmental Impact Statement is not required.

List of Subjects in 30 CFR Part 254

Continental shelf, Environmental protection, Oil and gas development and production, Oil and gas exploration, Pipelines, Public lands—mineral resources, Reporting and recordkeeping requirements.

Dated: February 14, 1995.

Sylvia V. Baca,

Deputy Assistant Secretary, Land and Minerals Management.

[FR Doc. 95–4110 Filed 2–17–95; 8:45 am]

BILLING CODE 4310–MR–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AH29

Reductions and Discontinuances (Federal Employees' Compensation)

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends Department of Veterans Affairs (VA) adjudication regulations concerning reduction or discontinuance of VA benefits when a payee is also entitled to benefits under the Federal Employees' Compensation Act (FECA) for the same injury or death for which VA payment is being made. The intended effect of this amendment is to bring VA regulations into conformance with the statutory prohibition against concurrent receipt of VA benefits and FECA benefits for the same injury or death.

EFFECTIVE DATE: This amendment is effective February 21, 1995.

FOR FURTHER INFORMATION CONTACT: Lorna Weston, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273–7210.

SUPPLEMENTARY INFORMATION: 5 U.S.C. 8116(a) prohibits a federal employee who is receiving benefits for a work-related injury or death under FECA from receiving benefits from VA for the same injury or death.

Currently the adjudication regulations at 38 CFR 3.500(e) specify that the effective date for reduction of VA benefits based on an election of FECA benefits will be the end of the month following the month in which notice is received from the Department of Labor's Office of Workers' Compensation Programs that a VA payee has elected FECA benefits. The regulations do not prohibit concurrent payment of VA and FECA benefits. Thus, in those cases where FECA payment is authorized prior to a proper election and discontinuance of VA benefits, a potential for duplicate payment exists.

VA is amending 38 CFR 3.500(e) to provide that the effective date for reduction or discontinuance of VA benefits in cases where FECA benefits are elected for an injury or death which is the basis of VA payment will be the day preceding the date on which the FECA award became effective.

The final rule is made effective upon publication, since it makes changes merely to reflect statutory requirements.

The Secretary certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This rule will directly affect VA beneficiaries, but will not directly affect small business. Therefore, pursuant to 5 U.S.C. 605(b), this final regulation is exempt from the

initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Catalogue of Federal Domestic Assistance program numbers are 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Health care, Individuals with disabilities, Pensions, Veterans.

Approved: February 10, 1995.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.500, paragraph (e) is amended by removing the first sentence and adding in its place ''The day preceding the date the award of benefits under the Federal Employees' Compensation Act became effective.''; and by adding an authority citation to read as follows:

§ 3.500 General.

* * * * *

(e) * * *

(Authority: 5 U.S.C. 8116)

* * * * *

[FR Doc. 95–4165 Filed 2–17–95; 8:45 am]

BILLING CODE 8320–01–P

---

38 CFR Part 3

RIN 2900–AH07

Claims Based on Exposure to Ionizing Radiation (Radiogenic Diseases)

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) adjudication regulations concerning claims based on exposure to ionizing radiation. This amendment is necessary to implement a decision by the United States Court of Appeals for the Federal Circuit and recent legislation providing that VA's regulatory list of radiogenic diseases is no longer an exclusive list of conditions which may be considered service-connected solely on the basis of exposure to ionizing radiation. The effect of this amendment is to provide claimants who base their claims on conditions not on that regulatory list an opportunity to establish service connection by demonstrating that their conditions are radiogenic diseases.

EFFECTIVE DATE: This amendment is effective September 1, 1994.

FOR FURTHER INFORMATION CONTACT: Steven Thornberry, Consultant, Regulations Staff (211B), Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW, Washington, DC 20420; telephone (202) 273–7210.

SUPPLEMENTARY INFORMATION: The Veterans' Dioxin and Radiation Exposure Compensation Standards Act (Public Law 98–542) required VA to develop regulations establishing standards and criteria for adjudicating veterans' claims for service-connected compensation for diseases arising from exposure to ionizing radiation during service. The law also required that the Secretary, after receiving the advice of the Veterans Advisory Committee on Environmental Hazards, determine which conditions could be considered service-connected on the basis of exposure to ionizing radiation and include those conditions in VA's regulations.

In September 1985 VA published 38 CFR 3.311b, since redesignated as 3.311, to implement the radiation provisions of Pub. L. 98–542. As threshold requirements for entitlement to compensation under this regulation, a veteran must have been exposed to ionizing radiation during atmospheric testing of nuclear weapons, the occupation of Hiroshima and Nagasaki during World War II, or through other activities as claimed, and must have subsequently developed a radiogenic disease within a specified time period. Conditions not specifically listed in the regulation at 3.311(b)(2) as radiogenic diseases were excluded from consideration (See § 3.311(h)). Since 1985, VA has added a number of conditions to the list of radiogenic diseases.

On September 1, 1994, the United States Court of Appeals for the Federal Circuit reversed the decision of the United States Court of Veterans Appeals in *Combee* v. *Brown,* No. 93–7107. The Federal Circuit held that Public Law 98–542 did not authorize VA to establish an exclusive list of radiogenic conditions for which a claimant might establish entitlement to direct service connection under § 3.311. On November 2, 1994, Public Law 103–446, the ''Veterans' Benefits Improvements Act of 1994, was signed into law. Section 501(b) of that law amended 38 U.S.C. 1113(b) to clarify that nothing contained in Public Law 98–542 precludes a claimant from attempting to establish direct service connection for a disability or disease based upon exposure to ionizing radiation in service.

The amendment provides that if a claimant cites or submits competent scientific or medical evidence that the claimed condition is a radiogenic disease, the claim will be considered under the provisions of § 3.311. That provision is consistent with a decision by the U.S. Court of Veterans Appeals that, where a determinative issue involves medical causation, competent medical evidence to the effect that the claim is plausible or possible is required to establish that the claim is well grounded. (See *Grottveit* v. *Brown* 5 Vet. App. 91 (1993)) The amendment also deletes 3.311(h), which set out VA's previous policy that the list of radiogenic diseases is an exclusive list, because that policy has been superseded by the Court of Appeals' decision in *Combee* and section 501(b) of Public Law 103–446.

We are making technical changes throughout § 3.311 to conform with the Court of Appeals' decision and Public Law 103–446, including a revision in § 3.311(b)(2) to define the term ''radiogenic disease'' for the purposes of this regulation as a disease which may be induced by ionizing radiation. We are also replacing all references to ''Chief Medical Director'' and ''Chief Benefits Director'' with ''Under Secretary for Health'' and ''Under Secretary for Benefits'' respectively, which are the correct statutory titles.

The amendment is effective September 1, 1994, the date of the decision by the United States Court of Appeals for the Federal Circuit in *Combee* v. *Brown,* which changed VA's legal interpretation of this issue. Making the amendment effective that date rather than the date of publication of the final rule works to the advantage of claimants who may be entitled to the effective date considerations of 38 U.S.C. 5010(g) and 38 CFR 3.3114(a) without working to the detriment of any other claimant.

It has been determined that the final rule, insofar as it relates to radiogenic diseases, constitutes an interpretive rule and restatement of statutory provisions, and, consequently, is exempt from the notice and comment provisions and the 30 day delay provisions of 5 U.S.C. 553.

Because no notice of proposed rulemaking was required in connection with the adoption of this final rule, no regulatory flexibility analysis is required under the Regulatory Flexibility Act (5